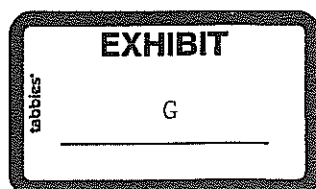


IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

W. A. DREW EDMONDSON, in his)
capacity as ATTORNEY GENERAL)
OF THE STATE OF OKLAHOMA and)
OKLAHOMA SECRETARY OF THE)
ENVIRONMENT C. MILES TOLBERT,)
in his capacity as the)
TRUSTEE FOR NATURAL RESOURCES)
FOR THE STATE OF OKLAHOMA,)
Plaintiff,)
vs.) 4:05-CV-00329-TCK-SAJ
TYSON FOODS, INC., et al,)
Defendants.)

THE VIDEOTAPED DEPOSITION OF
SHERI HERRON, produced as a witness on behalf of
the Plaintiff in the above styled and numbered
cause, taken on the 15th day of September, 2008, in
the City of Fayetteville, County of Washington,
State of Arkansas, before me, Lisa A. Steinmeyer, a
Certified Shorthand Reporter, duly certified under
and by virtue of the laws of the State of Oklahoma.

TULSA FREELANCE REPORTERS
918-587-2878



1 Q Okay. There's some differences there?

2 A Yes.

3 Q All right. Let's talk about the BMPs, Inc.

4 Okay?

5 A Yes.

10:57AM

6 Q Since our lawsuit deals with the Illinois
7 River watershed, when I say BMPs, Inc., that's who
8 I'm talking about now unless I otherwise say
9 specifically Eucha; all right?

10 A Okay.

10:57AM

11 Q Was your name put up for consideration as an
12 executive director of that organization similarly to
13 what you described for the Eucha BMP?

14 A When Judge Eaton (sic) asked me to be director
15 of the Eucha, the poultry integrators accepted that
16 and requested -- and asked me if I would run BMPs,
17 Inc., at the same time because they had -- they were
18 being awarded a 319 grant for assisting with
19 hauling, with litter export, and they thought the
20 two non-profit -- that the work of the two
21 non-profits would be complementary.

10:57AM

10:58AM

22 Q Okay. When you're saying they were awarded a
23 319, you're talking about the Eucha BMPs?

24 A BMPs. No. BMPs.

25 Q So BMPs, Inc., was getting the first 319

10:58AM

**TULSA FREELANCE REPORTERS
918-587-2878**

1 Q 500 period?

2 A Yeah. It was a big donation.

3 Q To your knowledge, was the purpose of forming
4 the not-for-profit was in order to have a vehicle to
5 acquire governmental grants?

11:18AM

6 A My understanding was the purpose to forming
7 BMPs as a non-profit was to manage a grant that was
8 going to be awarded to BMPs.

9 Q Who -- were you involved with the application
10 of the first grant that came to BMPs, Inc.?

11:18AM

11 A No.

12 Q Do you know who was?

13 A No.

14 Q Did the BMPs integrators have company farms
15 that participated in the hauling program for BMPs,
16 Inc.?

11:19AM

17 A No.

18 Q At the time of the formation of BMPs, Inc., do
19 you have an opinion whether or not poultry waste was
20 being over applied in the Illinois River watershed?

11:19AM

21 A At the time of formation of BMPs?

22 Q Yeah. So approximately 2003 did you have an
23 opinion whether or not poultry waste was being over
24 applied in the IRW, Illinois River watershed?

25 A I didn't have specific knowledge of that, no.

11:19AM

TULSA FREELANCE REPORTERS
918-587-2878

1 weren't going to use, that we should call you.

2 Q Well, let me ask you this: Are you seeing
3 today an increase in the amount of waste that you
4 are able to haul through BMPs compared to three or
5 four years ago?

01:39PM

6 A Yes.

7 Q So your testimony under oath today is that
8 you're actually hauling more today than you were
9 three or four years ago?

10 A Yes.

01:39PM

11 Q Okay, and has that increase continued each
12 year since you began hauling?

13 A Yes.

14 Q So if I look at your spreadsheets, you would
15 reflect on there an increase on an annual basis each
16 year of the amount of waste you are hauling for BMP?

01:39PM

17 A Yes.

18 Q Okay. Do you agree that if growers having to
19 dispose of excess manure were under a P index, that
20 it would be less restrictive than the application of
21 manure based on a soil test threshold, soil test
22 phosphorus threshold?

01:40PM

23 A Can you say that again? I'm sorry, I don't
24 understand.

25 Q Would you agree that for growers having to

01:40PM

1 Q If you would just answer my question. Was
2 this report deemed confidential by you when you
3 prepared it?

4 A No.

5 Q All right. If you look at Page 455, if you 04:19PM
6 would, in the second paragraph middle of the way
7 down. It says, aside from George's, Peterson and
8 Steve Butler's coordinated hauls, only 1,551 tons of
9 litter were hauled under the subsidy programs during
10 the first eighteen months. Would that then include 04:19PM
11 all programs in existence as of July of 2006?

12 A That would be the grant programs.

13 Q All of them that were in existence as of July
14 of '06; correct?

15 A Yes. 04:20PM

16 Q I think you testified earlier that George's
17 and apparently Peterson was coordinating some hauls
18 for independ -- contract growers; correct?

19 A Correct, or they had data for litter that was
20 exported at some point but some of it I think with 04:20PM
21 Peterson was off of company farms that was not BMPs
22 related but they had -- they tracked stuff that they
23 exported.

24 Q Look at Page 459 in Exhibit 16 and two charts
25 there. So that I'm clear what you're attempting to 04:21PM

TULSA FREELANCE REPORTERS
918-587-2878